

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

CRIMINAL NO. 1:CR-00-162

v.

JAMES HOLLOWAY

**ORDER**

Before the court is a motion filed pursuant to 18 U.S.C.

§ 3582(c)(2), which provides as follows:

**(c) Modification of an imposed term of imprisonment** – The court may not modify a term of imprisonment once it has been imposed except that –

. . .  
(2) in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. 994(o), upon motion of the defendant or the Director of the Bureau of Prisons, or on its own motion, the court may reduce the term of imprisonment, after considering the factors set forth in section 3553(a) to the extent that they are applicable, if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.

Petitioner asserts that the following amendments to the United States Sentencing Guidelines have an effect on his sentence:

Amendment 505 (effective 11/1/1994)

Amendment 506 (effective 11/1/1994)

Amendment 591 (effective 11/1/2000)

Amendment 599 (effective 11/1/2000)

Amendment 433 (effective 11/1/1991)

Amendment 461 (effective 11/1/1992)

Petitioner was sentenced on February 9, 2001. Thus, these amendments were in effect at the time of his sentence. If the guidelines used at the time of sentence did not reflect these changes (assuming they applied to Petitioner), objections should have been made at the time of sentencing, on direct appeal, or through his 28 U.S.C. § 2255 petition.

These amendments were not made post-sentencing that would be subject to a modification of a sentence under 18 U.S.C. § 3582(c)(2).

Accordingly, **IT IS HEREBY ORDERED THAT:**

- 1) The motion for modification is **DENIED**.
- 2) The court declines to issue a certificate of appealability.
- 3) The Clerk of Court shall close the file.

s/Sylvia H. Rambo  
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SYLVIA H. RAMBO  
United States District Judge

Dated: January 24, 2007.

s/Sylvia H. Rambo  
Sylvia H. Rambo  
United States District Judge

Dated: 2007.